

*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: March 10, 2015

+ CRL.M.C. 5930/2014

SIDHARTH ROY

..... Petitioner

Through: Mr. Mohd. Haneef & Mr. Naveen
Arya, Advocates

versus

STATE NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Navin Sharma, Additional
Public Prosecutor for respondent
No.1-State with SI Sunil Kumar
Mr. Jitnder Kumar, Advocate for
respondents No.1 & 2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

%

Petitioner is the complainant, who is aggrieved by impugned order of 14th August, 2014 and 15th October, 2015 vide which respondents/accused- *Chetan Chaudhari & Vijay Virdhi* have been granted bail in FIR No.475/2011, under Sections 302/307 of the IPC, registered at police station Govind Puri, New Delhi.

On behalf of petitioner, it was submitted that despite gravity of the offence and the incriminating evidence against respondents/ accused, they have been enlarged on bail. Learned counsel for petitioner submitted that trial court vide impugned order has wrongly reached to the conclusion that the offence committed by respondents/accused comes within the

ambit of Section 304 of the IPC, whereas it is a clear case of murder and grant of bail to respondents/accused has resulted in miscarriage of justice. To assert so, attention of this Court was sought to be drawn to the deposition of injured- *Siddhartha (PW-15)*.

This petition is strongly resisted by counsel for respondents/accused, who submits that there is no illegality or infirmity in the impugned order, as it was a case of single blow given by respondent-accused - *Vijay Virdhi* and respondent-accused- *Chetan Chaudhari* is a student, who has been falsely roped in this case as there was no blood stain on his clothes and so, role attributed to him of catching hold of the accused is unbelievable on the face of it.

Upon hearing and on perusal of the impugned orders and the material on record, I find that trial court was not justified in categorically observing that at best offence under Section 304 of the IPC could be attracted. Keeping in view the nature of offence purportedly committed and that recording of the evidence in this case is at the fag-end and that respondents-accused have already remained behind bars for a substantial period, I find no good ground to quash the impugned orders. However, it is made clear that any observation made in the impugned orders shall have no bearing on merits of this case when it is heard at the final stage.

With aforesaid observations, this petition is disposed of.

(SUNIL GAUR)
JUDGE

MARCH 10, 2015

r